

**REMARKS**

Applicants cancel claims 1-26 and add new claims 45 and 46. Claims 27-46 are all the claims pending in the application.

Applicants note that the examiner still has not considered document 296 19 764 U1 listed with applicants' Information Disclosure Statement filed September 20, 2000. (See also page 8 of applicants' Amendment filed January 8, 2003). Applicants respectfully request that the examiner consider document 296 19 764 U1 and indicate such consideration to applicants in the next Office communication.

**Rejection of Claims 19, 20, 27, 30-32, 37, 40 and 41 under 35 U.S.C. § 112, second paragraph**

The examiner rejects claims 19, 20, 27, 30-32, 37, 40 and 41 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

The rejection to claims 19 and 20 is rendered moot since applicants cancel claims 19 and 20.

With respect to claims 27, 30-32, 37, 40 and 41, the examiner alleges that the term "simple" is a relative term, which renders the claim indefinite. Applicants amend these claims to read "simple audio player." This phrase is synonymous with "unsophisticated audio player," as disclosed in applicants' specification on page 23, lines 2-5.

The phrase “simple audio player” represents a given apparatus that is uniquely comprehended by a skilled person in the art of the invention. Applicants invite the examiner to visit the DVD Forum on the web which provides further information related to the DVD format book.

Applicants submit that the scope of each claim is clear to a hypothetical person possessing the ordinary level of skill in the pertinent art. Indeed, the scope of each claim sought to be patented can be determined from the language of the claims with a reasonable degree of certainty. (Emphasis added). MPEP §2171 (Two Separate Requirements for Claims Under 35 U.S.C. § 112, Second Paragraph)(8<sup>th</sup> Edition).

**Rejection to Claim 29 under 35 U.S.C. § 112, second paragraph**

The examiner rejects claim 29 under 35 U.S.C. § 112, second paragraph, for the reasons set forth in paragraph 3 of the Office action. Applicants amend claim 29. Applicants respectfully request that the examiner withdraw the objection to claim 29.

**Objection to Claims 27, 33, 37, 40, 41 and 44**

The examiner objects to claims 27, 33, 37, 40, 41 and 44 for the reasons set forth in paragraphs 4 and 5 of the Office action.

Applicants amend claim 40 to correct the informality noted by the examiner in paragraph 4 of the Office action. Applicants also amend claim 28 so that it recites “substantive” data

instead of “substantial” data. Since all claims are now consistent (i.e., reciting “substantive” data), applicants did not amend claims 27, 33, 37, 41 and 44.

In view of the above, applicants respectfully request that the examiner withdraw the objection to claims 27, 33, 37, 40, 41 and 44.

**Rejection to Claims 1-6, 9-16 and 19-26 under 35 U.S.C. § 102(e)**

The examiner rejects claims 1-6, 9-16 and 19-26 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent 5,896,358 (hereinafter Endoh).

Applicants cancel claims 1-6, 9-16 and 19-26. Accordingly, the rejection to these claims is rendered moot. Applicants respectfully request that the rejection to claims 1-6, 9-16 and 19-26 be withdrawn.

**Rejection to Claims 7, 8, 17 and 18 under 35 U.S.C. § 103(a)**

The examiner rejects claims 7, 8, 17 and 18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Endoh, in view of U.S. Patent No. 5,809,201 (hereinafter Nagasawa).

Applicants cancel claims 7, 8, 17 and 18. Accordingly, the rejection to these claims is rendered moot. Applicants respectfully request that the rejection to claims 7, 8, 17 and 18 be withdrawn.

**Rejection to Claims 27-44 under 35 U.S.C. § 103(a)**

The examiner rejects claims 27-44 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Endoh, in view of Nagasawa. Applicants respectfully traverse this rejection.

Both Endoh and Nagasawa, individually or in combination, fail to teach or suggest the information recording mediums of independent claims 27, 37, 40, 41 and 44. The information recording medium of the present invention includes an audio zone. The audio zone includes an audio title set and an audio manager for managing the audio title set, wherein the audio title set includes substantive data and first control data, and second control data is recorded at a head of the audio zone.

Endoh merely discloses a video zone (Figures 7-26) that may include audio data. (Col. 15, lines 30-37). However, Endoh fails to suggest an audio zone that includes the above-mentioned aspects recited in base claims 27, 37, 40, 41 and 44. There is simply no audio zone taught or suggested by Endoh. Applicants respectfully submit that the examiner has misinterpreted or misapplied the teachings of Endoh.

Additionally, the examiner alleges that Nagasawa teaches the placement of reproduce control information at the head of an audio zone, citing to col. 5, lines 48-49.

Nagasawa fails to compensate for the deficiencies of Endoh with respect to an audio zone. (See, e.g., Figure 7A of Nagasawa). Interestingly, the examiner alleges “[p]lacing the audio and video signals in separate zones permits parallel reading and processing, which improves speed at which such processing takes place.” However, applicants submit that the examiner’s statement cannot be objectively traced to the applied art. Indeed, the examiner fails to provide applicants with a citation to either of the references that supports such a conclusion.

The mere proposition of Nagasawa that the area within an optical disk is divided into a plurality of zones for respective radius ranges fails to support an obviousness conclusion. As *partially* quoted by the examiner, Nagasawa describes that “address data and a header signal being preformatted at the head of each of the image information blocks.” (Emphasis added).

Applicants respectfully disagree that the examiner has established a *prima facie* case of obviousness because Endoh and Nagasawa, individually or in combination, fail to teach or suggest all the limitations of base claims 27, 37, 40, 41 and 44 and their respective dependent claims.

For at least these reasons, applicants respectfully request that the rejection of claims 27-44 be withdrawn.

Additionally, applicants submit that new claims 45 and 46 are patentable over the applied art by virtue of their dependency on base claims 41 and 44, respectively.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

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**23373**

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